IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3059 OF 2004

Sachin Ramdas Bhagat, .. Applicant

Vs

State of Maharashtra, .. Respondent

Mr Vinod S.Rai i/b Rajesh Sharma & Associates for the applicant.

Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 30th AUGUST, 2004.

PC:

1. Heard Mr.Rai, learned counsel for the applicant and Mr.Mirza, learned A.P.P for the respondent.

2. The applicant has filed this application for being released on bail in C.R.No.276 of 2003 registered at Dahisar Police Station under sections 363, 368 and 376 of I.P.C. The FIR was lodged by the father of prosecutrix Bindu on 21.9.2003, stating therein that the applicant allegedly committed sexual assault on his daughter Bindu on 15.9.2003. I have perused the statement of the prosecutrix. It is clear from her statement that there was an affair between the prosecutrix and the applicant and they eloped and stayed together for some time. The age of the applicant was

hardly 19-20 years while age of the prosecutrix was hardly 15-16 years at the relevant time. Considering overall facts and circumstances of the case, their medical certificates and the statement of the prosecutrix and keeping in view that the applicant is in custody since last 11 months, I am inclined to enlarge him on bail.

3. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the trial Court subject to the condition that he shall report the concerned police station on every alternate Saturday between 10 am and 11 am until the conclusion of his trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)